

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 23, 2001 LB 383, 489

body. AM1385, just for your edification, is the same as LB 383 from this year, 2001, and also it's the same as LB 1229, introduced in the 2000 legislative session by Senator Brashear. Just briefly, AM1385 clarifies that only the earnings of wage earners engaged in traditional employer-employee relationships who receive payments on a regular periodic basis are entitled to protections from garnishment under Neb. Rev. Stat. Section 25-1558, and thereby, by inference, entitled to an exception in bankruptcy. I would also offer that this...my...LB 383 was held by the...or held a hearing in front of the Judiciary Committee on February 21st of this year and it did pass out of committee. Just for a little bit of history behind this, federal law was changed way back in 1968 to protect employees from excessive wage garnishment. And just as a basic rule, a person, if they're employed, 15 percent of their disposable earnings can be garnished if they are head of a household. If they're not head of a household, 25 percent of their disposable earnings can be garnished. What this amendment does and what LB 383 did merely clarifies Nebraska law with respect to this point, that the earnings of wage earners are protected but not accounts receivable. The...if you'd look on your gadget, if you care to, the important language on the amendment shows up on page 2, it's underlined. And all it does is it just adds this language to the current statutes, "by an employer to an employee"; it's in there under subsection 4(a), "Earnings shall mean compensation paid or payable by an employer to an employee". And, with that, I will close on this and I urge the adoption of this amendment. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Quandahl. Debate on the Quandahl amendment to LB 489? Senator, you're recognized to close. Senator Quandahl waives closing. The question is the adoption of AM1385 to LB 489. Those in favor vote aye; those opposed vote nay. Madam Clerk, please record.

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of the amendment, Mr. President.

PRESIDENT MAURSTAD: AM1385 is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Bromm would move to amend,